



PATENT
Attorney Docket No.: ASX-015C4

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Smith et al. CONFIRMATION NO.: 9462
SERIAL NUMBER: 10/689,165 GROUP NUMBER: 3742
FILING DATE: October 20, 2003 EXAMINER: Paschall, Mark H.
TITLE: Toroidal Low-Field Reactive Gas Source

Terminal Disclaimer

I, Kathleen Burke, state that I am a representative authorized to sign on behalf of MKS Instruments, Inc., identified below as the assignee of the entire right, title and interest in and to the above-identified patent application, U.S. Serial No. 10/689,165. I, along with legal counsel, have reviewed all the evidentiary documents accompanying or referred to in the instant Terminal Disclaimer and certify that, to the best of my knowledge and belief, title to the above-identified application is in the name of MKS Instruments, Inc.

MKS Instruments, Inc., of 90 Industrial Way, Wilmington, MA 01887-4610 is the assignee of the entire right, title and interest in and to U.S. Serial No. 10/689,165 by virtue of the Assignment recorded in the United States Patent and Trademark Office at Reel 016700, Frame 0252, on July 1, 2005 by MKS Instruments, Inc.

MKS Instruments, Inc. hereby waives and disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the full statutory term (which may be longer than seventeen (17) years) of U.S. Patent No. 6,664,497, which issued on December 16, 2003, and hereby agrees that any patent so granted on U.S. Serial No. 10/689,165 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,664,497, this agreement to run with any patent granted on U.S. Serial No. 10/689,165 and to be binding upon the Assignee, its successors or assigns.

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MKS Instruments, Inc. does not disclaim any terminal part of the term of any patent granted on U.S. Serial No. 10/689,165 prior to the expiration date of the full statutory term of U.S. Patent No. 6,664,497, in the event that any said patent expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole, or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, if any, except for the separation of legal title stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made in the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

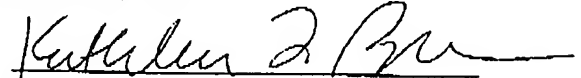
MKS INSTRUMENTS, INC.

By:

Name:

Title:

Date:



Kathleen Burke

General Counsel

7-27-06